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NOTE

from : Presidency

to : COREPER/Council

Subject: Presidency summary of the K.4 Committee's results, based on the Presidency's work programme for the field of justice and home affairs

1. Introduction

This overview is based on the Presidency's work programme, as approved by the K.4 Committee after discussion in the Steering Groups on 23 January 1997. The overview includes, in particular, all activities which took place under the third pillar but which do not have to be submitted to the Council for decision. However, the Presidency considers it important that the Council should be in a position, by means of this overview, to take note of those results.

The following will be addressed in turn:

- matters in the field of asylum and immigration policy, police and customs cooperation and judicial cooperation in civil and criminal matters, as well as

- horizontal questions.

2. Asylum and immigration

2.1 Progress report on the EURODAC system (technical aspects and convention) (7522/97 ASIM 80)

The K.4 Committee noted the progress of work on the EURODAC system.

2.2 Report on the outcome of inter-pillar discussions on measures directed at third countries regarding readmission problems (7338/97 ASIM 71)

The K.4 Committee took note of this report on inter-pillar discussions.

3. Police and customs cooperation

3.1 Combating organized crime and drugs

3.1.1 Money-laundering: K.4 Committee decision of 25 March on a feasibility and definition study and follow-up

The K.4 Committee decided, inter alia, on a proposal from the Working Party on Drugs and Organized Crime (ENFOPOL 39 REV 2) to have a (definition and feasibility) study carried out into an EU-wide computerized system by which information on money-laundering transactions would be exchanged for investigation purposes. A request has been submitted for this study to be funded under the OISIN Programme. In implementing the study, account is to be taken of the activities of the Egmont Group.

3.1.2 K.4 Committee decision of 21 and 22 April concerning the criteria to be drawn up for the inclusion of third countries in the Manual on Controlled Deliveries.

The K.4 Committee subscribed to the conclusions and took up the proposal of the Working Party on Drugs and Organized Crime (7357/97 ENFOPOL 92 + ADD 1). That Working Party concluded, with regard to the inclusion of data from non-EU countries, that the highest priority would be given to Norway and Iceland. The inclusion in the EU Manual of data from the countries of Central and Eastern Europe, including the Baltic States, would also have the highest priority.

The Working Party also recalled that ICPO/Interpol was working on a worldwide Manual on Controlled Deliveries. The Working Party proposed that the EU Manual, which is regularly updated by EDU/Europol, be made available to ICPO/Interpol for inclusion in a worldwide Manual on Controlled Deliveries. Coordination discussions would be held regularly to prevent duplication with the Interpol Manual.

3.1.3 Trafficking in human beings and sexual exploitation of children

The K.4 Committee took note of the report in 7359/1/97 ENFOPOL 94 REV 1 on the activities in the Working Party on Drugs and Organized Crime to combat the sexual exploitation of children. The Committee thus noted that, on 24 March 1997, a thematic meeting on combating these phenomena had been held with investigation and prosecution experts from all the Member States and representatives of the Commission, EDU/Europol and ICPO/Interpol. Note was also taken of the Commission's explanation of the opportunities provided by the STOP Programme.

3.1.4 European trafficking routes

The K.4 Committee noted the action taken on the recommendations in the EDU/Europol report on heroin trafficking, as set out in 7358/97 ENFOPOL 93. On the basis of the same document, the Committee took note of the approach to combat drug trafficking and related criminal activities by Latin American organizations.

3.2. Police cooperation

3.2.1 Decision of the K.4 Committee of 6 March concerning cooperation between the Police Cooperation Working Party and the Association of European Police Colleges (AEPC).

At its meeting on 6 and 7 March the K.4 Committee agreed to 5693/97 ENFOPOL 20 in which working arrangements were established between the Police Cooperation Working Party and the Association of European Police Colleges. These amount to the Working Party being able to ask the AEPC for advice and to have it take in hand certain implementing tasks without this involving the creation of a new subgroup or there being any question of delegation of powers or formal assignments.

3.2.2 Decision of the K.4 Committee of 25 March concerning cooperation with the ILEA

On 25 March 1997 the K.4 Committee agreed to the proposal to instruct the Police Cooperation Working Party to examine what subjects should form part of a curriculum for the police forces in the CCEE. It would subsequently have to be seen which of the existing academies, such as MEPA or ILEA, would be the most suitable for giving shape to the curriculum to be developed.

3.2.3 Decision of the K.4 Committee of 25 March concerning cooperation with the ENFSI

Further to the K.4 Committee's decision of 17 December 1996, the K.4 Committee confirmed the procedure for cooperation between the Police Cooperation Working Party and the European Network of Forensic Science Institutes (ENFSI) (doc. CK.4 66). The Committee noted further that the Working Party had approved a first request to ENFSI for an opinion on DNA and one on synthetic drugs (on a purity indicator system, chemical profiling and a photo-analytic databank). Requests for opinions on weapons and ammunition and on crime scene forensic inspections are being prepared.

3.2.4 Decision of the K.4 Committee on 21 and 22 April concerning the standardization of radiocommunications

The K.4 Committee concluded that a single European standard for radiocommunications needs to be fixed within the EU (see 5338/2/97 ENFOPOL 9 REV 2). TETRA has already been recognized by ETSI and is being tested. TETRAPOL will not undergo the same procedure until recognized by ETSI as a European standard.

3.2.5 Summary of Member States' replies to the questionnaire concerning application of the Resolution of 17 January 1995 (International User Requirements) (7172/1/97 ENFOPOL 84 REV 1)

The K.4 Committee noted progress in implementation by the Member States of the Council Resolution of 17 January 1995 (OJ No C 329 1996, p. 1). Hitherto, twelve of the fifteen Member States appear to have implemented the International User Requirements wholly or in part. Draft laws are being prepared in three countries.

3.2.6 Decision of the K.4 Committee on 21 and 22 April concerning missing persons/unidentified corpses

The K.4 Committee approved in principle the Presidency's proposal to improve the exchange of information on missing persons and unidentified corpses (7451/97 ENFOPOL 96). The K.4 Committee also decided to refer the proposals in that document to the Police Cooperation Working Party for further discussion. Those proposals concern:

- improving the exchange of information on missing persons and unidentified corpses;

- the possibility of setting up national coordination points;

- improving national procedures for dealing with missing persons by utilizing categories of missing persons:

  (a) a category where direct action is required, and
  (b) a category concerning persons who cannot immediately be classified as belonging to the first, high-risk group, or persons who have probably disappeared of their own free will and who may be assumed not to be immediately exposed to any unacceptable risks.

3.3 Customs cooperation

- State of play on the draft Convention on mutual assistance between customs administrations (Naples II)

  The K.4 Committee noted progress on the above draft Convention as reflected in 7421/97 ENFOCUSTOM 21.

3.4 *Terrorism* (the whole paragraph is now final after the K.4 Committee meeting on 13 May)

The K.4 Committee noted the following progress by the Working Party on Terrorism:

(a) Numerical data on racist/xenophobic incidents

On the basis of doc. JAI 78 from 1994, a document has been drawn up with information on violent incidents with a racist, xenophobic or anti-semitic motive in the Member States. That document was distributed directly to delegations in the Working Party on Terrorism (unnumbered confidential document).

The survey in that document, which has been submitted to the K.4 Committee, is of a provisional nature. Material submitted by Member States is not homogeneous; there are, for instance, differences in the definition of assault, in the perception of racist intent and in investigation methods. In order to assist in carrying out the Council's instructions to produce such a survey, Member States have already described their methods of investigation. In view of the problems identified in drawing up the survey, investigation methods should be studied in greater detail under the Luxembourg Presidency.

(b) Financing of terrorism

A seminar on the financing of terrorism is to be held under the Luxembourg Presidency. It is agreed that, before the seminar, every Member State will prepare a paper on, inter alia, the methods and techniques used by terrorists for funding their activities, as well as on the relevant legal instruments.

(c) Information technology and terrorism

Member States' contributions to the document on the terrorist threat will include a separate paragraph indicating the use/abuse of information technology by the persons and groups named in the contributions. This applies particularly to electronic as well as physical sabotage and to use of the Internet. This survey can then be incorporated in the summary and analysis of the document on the terrorist threat. It has been agreed to keep a close eye on developments relating to information technology elsewhere, both in and outside Union bodies. The Presidency or a designated Member State will report to the Working Party on this subject.

4. Judicial cooperation

4.1 In criminal matters

- Analysis of existing judicial cooperation conventions (7457/97 JUSTPEN 32)

  Partly in the light of the Action Plan concerning organized crime, the Council has pointed to the desirability of a number of existing Conventions being ratified. As regards two Conventions, namely the Agreement between the Member States of the European Communities on the Simplification and Modernization of Methods of Transmitting Extradition Requests (San Sebastián, 26 May 1989) and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Strasbourg, 8 November 1990), an analysis has been carried out, with findings and conclusions, concerning the progress of ratification and application of these instruments. The K.4 Committee took note of the findings and subscribed to the conclusions, which state, inter alia, that those Member States which have not yet ratified the two instruments need to do so as soon as possible and that practical measures to promote their application are necessary.

4.2 In civil matters

- Brussels II

  The K.4 Committee took note of the progress report from the Brussels II Working Party (doc. 6868/97 JUSTCIV 24) and particularly of the progress of discussions on the following matters: the recognition of divorces, legal separations and annulments of marriages. In connection with the recognition of divorce court judgments concerning custody of children, the Working Party also discussed the Presidency's intention to conclude the examination of the recognition and enforcement of those judgments during this half-year. The Committee also asked the Working Party to continue its work with all due diligence.

5. Horizontal issues

5.1 Cooperation with third countries

Coreper and the K.4 Committee approved the work programme drafted by the Netherlands Presidency concerning relations with third countries in the JHA sphere. The programme sets out region by region the priority areas for attention as regards JHA cooperation during the Netherlands Presidency. The work carried out so far is summarized in 5360/2/97 JAI 2 REV 2. Coreper and the K.4 Committee also approved the procedure for structuring these relations. To this end, the Working Party of JHA Counsellors should monitor the working parties' progress in implementing the work programme for the K.4 Committee (see 5360/2/97 JAI 2 REV 2).

5.2 Decision of the K.4 Committee on 12 and 13 May concerning the coordination of activities in the field of the Internet within the Union

(The whole paragraph is now final after the K.4 Committee meeting on 13 May)
The K.4 Committee agreed with the Presidency's note (7171/97 ENFOPOL 83 REV 1) on the coordination of activities in the field of the Internet within the European Union. The Committee requested the competent third-pillar working parties to study the recommendations set out in the document. The Committee also decided to send the above document to the competent first-pillar working parties.

5.3. Central and Eastern European countries (CEECs)

5.3.1 Outcome of the joint meeting of the Working Party on Drugs and Organized Crime and the Customs Cooperation Working Party with the CEECs and the Baltic States on 10 March 1997 (6811/97 ENFOPOL 65)

The K.4 Committee noted the outcome of discussions at the joint meeting of the Customs Cooperation Working Party and the Working Party on Drugs and Organized Crime. The purpose of the meeting was to review the implementation of past recommendations and agreements and to step up cooperation with the aim of having the countries in question put into practice the third-pillar "acquis" ahead of accession. At that meeting the Presidency took as a basis the October 1996 recommendations (ENFOPOL 170) and in particular the following points: progress made in implementing recommendations; where such implementation is hampered by financial problems, considering whether PHARE funds can be used; how the EU can provide expertise and advice in the case of other implementation problems. The recommendations concerning coordination of cooperation and exchange of information, external border controls, controlled deliveries and synthetic drugs were given particular attention. The K.4 Committee requested the relevant working parties to follow up the outcome of the joint meeting.

5.3.2 Police cooperation

At its meeting on 9 April 1997, the Police Cooperation Working Party discussed coordination of police cooperation with the CEECs (6895/97 ENFOPOL 69). The Working Party agreed to the proposal that the Association of European Police Colleges (AEPC) be asked to produce an inventory of Member States' bilateral assistance programmes. This will build upon listings compiled under previous Presidencies. Member States' freedom to undertake cooperation programmes with CEECs remains unaffected. In its work, the AEPC should draw on listings made by the Commission under PHARE programmes. Consideration is to be given, in consultation with the Commission, to whether PHARE subsidies can be used for police cooperation with the CEECs.

5.4 International organizations and conferences

5.4.1 EU Troika-Interpol

A letter of 17 December 1996 from the President of ICPO/Interpol to the Presidency prompted the K.4 Committee to instruct the Police Cooperation Working Party, the Working Party on Drugs and Organized Crime and the Europol Working Party to consider the scope for cooperation with Interpol. Alongside the K.4 Committee meeting, a meeting was held on 7 March 1997 with the President and Secretary-General of Interpol. The Union was represented by the Troika, the Commission and the Council Secretariat. The opportunity was taken to brief Interpol on activities undertaken in response to the letter. The importance of giving thought to the following was noted with regard to cooperation with ICPO/Interpol:

1. cooperation with Europol after ratification of the Convention;
2. coordination of work programmes with regard to meetings of experts, and
3. the structured organization of high-level consultation.

It should be noted that the decisions of the K.4 Committee on the last point will be based on the opinions of the Working Parties.

Attempts are being made to arrange a further meeting alongside the K.4 Committee meeting on 26 and 27 June 1997. It will then be possible to inform ICPO/Interpol of the Working Parties' findings.

5.4.2 EU Troika-Council of Europe (7777/97 CK4 19)

The outcome of consultations between the Troika and the Council of Europe (CoE) may be summed up as follows on the basis of 7777/97 CK4 19:

1. Each EU Presidency will consult the CoE on current and planned activities under the EU's third pillar and on current and planned activities at the Council of Europe under the Steering Committee on Crime Problems (CDPC) and the European Committee on Legal Cooperation (CDCJ).

2. The EU will be able to act as a driving force within the CoE, provided Member States coordinate their positions. In the event of concurrent activities under the third pillar and at the CoE, the EU will endeavour to achieve such coordination. This will be done by placing the matter on the agenda for the K.4 Committee or for the relevant Working Party.

3. Should coordination prove unsatisfactory, the CoE Secretariat will draw the matter to the attention of the current EU Presidency. Day-to-day contact on minor matters may take place between the CoE Secretariat and the EU Council Secretariat.

   The CoE proposed that a pilot project be carried out with regard to the draft Convention on mutual assistance in criminal matters to see whether closer cooperation is now possible. The Presidency endorsed that proposal and will be considering the scope for this at Working Party level.

5.4.3 EU Troika-Hague Conference

The K.4 Committee noted the consultations held by the Troika of Steering Group III (civil matters) with the Hague Conference. The consultations concerned work in progress and shortly to be carried out at the Hague Conference. As regards taking such consultations further, the Presidency referred to discussions at the IGC. The importance of the conventions drawn up at the Hague Conference was highlighted.